

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : **Randal T. Byrum**

Serial No. : Art Unit:

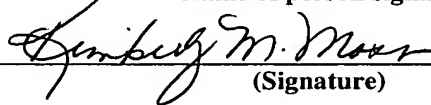
Filed : February 20, 2004 Examiner:

For : **A SURGICALLY IMPLANTABLE ADJUSTABLE BAND  
HAVING A FLAT PROFILE WHEN IMPLANTED**

I hereby certify that this correspondence is being deposited with the  
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February 20, 2004  
(Date of Deposit)

Kimberly M. Moses  
Name of person signing the Certificate

  
(Signature)

February 20, 2004  
(Date of Signature)

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under § 1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with § 1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/DLG/END-5084NP the fee of \$180.00 as set forth in § 1.17(p).

☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with § 1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/DLG/END-5084NP the fee of \$180.00 as set forth in § 1.17(p).

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with § 1.97(e) as set forth below and the fee of \$180.00 as set forth in § 1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

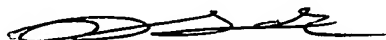
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s).

☐ Attached are the following non-published pending patent applications which may be deemed relevant.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DLG/END-5084NP. This form is submitted one original and two copies

Respectfully submitted,



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DATED: February 20, 2004

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	
Filing Date	February 20, 2004
First Named Inventor	Randal T. Byrum
Group Art Unit	
Examiner Name	
Attorney Docket Number	END-5084NP

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		Re. 36176		Kuzmak	03-30-1999	ALL
		4,592,399		Kuzmak et al.	06-03-1986	ALL
		5,226,429		Kuzmak	07-13-93	ALL
		5,601,604		Vincent	02-11-1997	ALL
		6,102,922		Jakobsson et al.	08-15-2000	ALL
		6,453,907	B1	Forsell	09-24-2002	ALL
		6,461,292	B1	6,470,892	10-29-2002	ALL
		6,470,892	B1	Forsell	10-29-2002	ALL
		2003/0105385	A1	Forsell	06-05-2003	ALL
		2003/0114729	A1	Forsell	06-19-2003	ALL

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
Examiner Signature						Date Considered		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter

code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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